

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

v.

MARCQUECE R. PETTIES,

Defendant.

8:21CR312

**MEMORANDUM
AND ORDER**

This matter is before the Court on defendant Marcquece R. Petties's ("Petties") pro se Motion to Appeal Sentence & Appoint New Counsel (Filing No. 122). In his motion, Petties describes some disagreements he has had with his retained counsel regarding his sentence and appeal.

Taking the motion to appeal first, the Court notes Petties has already filed a pro se Notice of Appeal in this case (Filing No. 111). On February 21, 2023, the Court advised Petties that he must either pay "the requisite \$505.00 filing and docket fees to the Clerk's Office or file a properly supported motion to proceed in forma pauperis for the Court to review. Neither Petties nor his counsel has yet responded to that order.

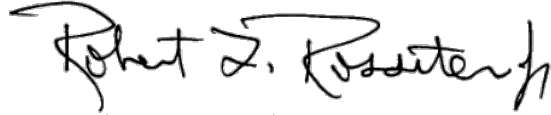
Turning to Petties's request that the Court appoint new counsel for his appeal, the Court notes that a defendant's trial counsel must "represent the defendant on appeal, unless the Court of Appeals grants permission to withdraw." 8th Cir. R. 27B(a). Petties has made his request to the wrong court.

Based on the foregoing, Petties's Motion to Appeal Sentence & Appoint New Counsel (Filing No. 122) is denied without prejudice to Petties submitting his request for new counsel to the United States Court of Appeals for the Eighth Circuit at the appropriate time.

IT IS SO ORDERED.

Dated this 13th day of March 2023.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge